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OFFICE OF PETITIONS

In re Application of Engel et. al. :
Application No. 09/523,455 :
Filing Date: March 10, 2000 :
Attorney Docket No. 098501-0264671 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed March 10, 2010, to revive the application.

The petition is **granted**.

The application became abandoned for failure to reply in a proper manner to the final Office action issued August 14, 2009, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 17, 2010. A Notice of Abandonment was issued March 15, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), petitioner has submitted a reply to the final Office action in the form of a request for continued examination filed on March 10, 2010.

As to item (2), petitioner has submitted the required petition fee of \$1620.

As to item (3), petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

As to item (4), a terminal disclaimer is unnecessary.

The Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1627 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Steven Brantley at (571) 272-3203 or in his absence to Amy Gandhi at (571) 272-6699.



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